

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Ford et al.  
Title: METHOD OF DATA ENTRY  
Appl. No.: 10/584012  
International Filing Date: 12/21/2004  
371(c) Date: 04/12/2007  
Examiner: XAVIER, ANTONIO J.  
Art Unit: 2629  
Confirmation Number: 4803

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

**REMARKS**

The Examiner has objected to the drawings under C.F.R. § 1.83(a) for allegedly failing to show every feature of the pending claims. The Examiner has also objected to claims 5, 13, 18, 24 and 28 for various informalities. Claims 13-33 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Claims 1-33 stand rejected under U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,487,424 to Kraft *et al.* (hereinafter “Kraft”) alone or in combination with U.S. Patent No. 6,392,640 to Will (hereinafter “Will”). Applicant

respectfully disagrees with the Examiner's position and, therefore, traverses these rejections for at least the reasons that follow.

Discussion of Objections to the Drawings:

The Examiner is arguing that (1) the drawings must show every feature of the pending claims and (2) the Figures of the present application do not show all the features of pending claims 13, 18, 24 and 38. See Office Action, dated April 28, 2010, page 2, item 1. Applicant respectfully disagrees with the Examiner for at least the following reasons.

“Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing.” M.P.E.P. § 608.02(d) (emphasis added). Thus, according to the M.P.E.P., only the features that are essential to proper understanding of the claimed invention are required to be present in the drawings. Figure 4 of the present application represents examples of different character strips in accordance with the embodiments of the present invention. As depicted in Figure 4, and described at, for example, page 8, line 9 to page 9, line 7, an exemplary character strip can comprise three portions, a first portion comprising functional items (e.g., identified by reference numeral 22), a second portion that is visible (e.g., identified by reference numeral 11), and a third portion comprising a plurality of other symbols (e.g., depicted to the right of second portion). Further, Figure 3 and the originally filed specification at, for example, page 7, lines 12-29, describe a character strip with symbols that are grouped as on an ITU-T keypad.

As such, Figures 3 and 4, and the supporting sections of the originally filed specification, clearly illustrate a character strip comprising three portions. Further, the character strip may comprise logically grouped symbols, such as groupings that on an ITU-T display. Accordingly, Applicant respectfully request that objections to the drawings be withdrawn.

Discussion of Claim Rejections under 35 U.S.C. § 112:

In rejecting claims 13-33 under 35 U.S.C. § 112, first paragraph, the Examiner similarly alleges that Applicant's specification fails to support the features of a character strip that are recited in claims 13 and 18. See Office Action, dated April 28, 2010, page 4, item 3.

However, as noted above, the originally filed specification describes each of the portions of the character strip, as well as symbols that are grouped as on an ITU-T keypad.

Similar rejections have been asserted against claims 24 and 28 for allegedly describing logically arranged symbols without adequate support in the specification. See Office Action, dated April 28, 2010, page 5. However, the originally filed specification at, for example, page 5, lines 14-30, describes scrolling through a logically arranged groups of symbols on a character strip. Further, while pending claims 24 and 28 do not explicitly recite, and thus are not limited to having, logically arranged groups of symbols in all portions of the character strip, Figures 3 and 4, as well as the associated description on pages 7-9 of the originally filed specification, provide examples of character strips that comprise logically arranged groups of characters in some, as well as all, portions of the character strip.

Therefore, the originally filed specification clearly supports the features that are recited in pending claims 13-33. Accordingly, the rejection of claims 13-33 under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Discussion of Claim Rejections under 35 U.S.C. § 103(a):

The Examiner has rejected claims 1-33 under U.S.C. § 103(a) as allegedly being unpatentable over Kraft alone, or in combination with Will. The Examiner is arguing that Kraft teaches a character strip comprising three portions: a first portion comprising functional icons a second portion a second portion comprising the one or more characters as suggested next characters, and a third portion comprising a plurality of other symbols, wherein the one or more characters in the second portion and the plurality of other symbols in the third portion are determined and displayed based on a selected functional icon in the first portion. According to the Examiner, these features of the pending claims are allegedly described in Figure 3-7, Abstract, col. 7, lines 15-57, col. 10, lines 12-34 and col. 13, line 12 to col. 13, line 38 of Kraft's disclosure. See, e.g., Office Action, dated April 28, 2010, page 6, item 5, line 9 to page 7, line 10. Applicant respectfully disagrees.

Kraft's Figures 3-7 contain 22 different screen displays with specific reference numerals that identify the various portions of these displays. Further, the sections of Kraft's

disclosure that are relied upon by the Examiner describe a large number of features. However, the Examiner has failed to indicate which portions of the 22 different screen displays, or which specific sections of Kraft's disclosure, allegedly describe each of the first, second and third portions of the character strip that is recited in the pending claims. In fact, the Examiner has referenced the exact same sections of Kraft's disclosure (i.e., 22 different screen shots in Figures 3-7 and a multitude of features in Abstract, col. 7, lines 15-57, col. 10, lines 12-34 and col. 13, line 12 to col. 13, line 38 of Kraft's disclosure) to identically reject each of the first, second and third portions of the character strip that is recited in the pending claims. Based on the contents of the present Office Action, Applicant is unable to ascertain which specific features of Kraft's disclosure are allegedly describing each of the first, second and third portions of the character strip.

Nevertheless, after careful review of all the referenced sections of Kraft, Applicant has not been able to find any teachings or suggestions that describe a character strip with three portions that are specifically recited in the pending claims. In particular, none of the screen displays in Figures 3-7 depict a first portion comprising functional icons (along with a second and a third portion containing the specific features) as recited in the pending claims. For example, Figure 4, displays a main screen (i.e., equivalent to section labeled with reference numeral 20 in Fig. 3) and only a single strip (labeled with reference numeral 23). While such a character strip displays the next probable characters, it does not include at least the functional icons, as recited in the pending claims.

Kraft's disclosure not only fails to teach or suggest a first portion of a character strip that comprises functional icons, it also fails to teach or even suggest functional icons based on which the characters and symbols in other portions of the character strip are determined and displayed. See, e.g., pending claim 1. The Examiner is arguing that Kraft describes changing the language dependent predictive text and symbols. See Office Action, dated April 28, 2010, page 6, lines 21-22. However, Kraft's disclosure fails to describe or suggest changing the language dependency using functional icons that are located on a first portion of a character strip, as is recited in the pending claims. Further, neither of the screen displays in Figures 3-7 of Kraft depict any functional icons as part of a character strip.

Therefore, Kraft fails to teach or suggest all the feature of pending claims 1, 7, 13, 18, 24 and 28. Further, Will fails to cure the above-noted deficiencies of Kraft.

Accordingly, a *prima facie* case of obviousness has not been established and claims 1, 7, 13, 18, 24 and 28 are patentable.

As to claims 2-6, 8-12, 14-17, 19-23, 25-27 and 29-33, these claims depend, either directly or indirectly, from one of allowable claims 1, 7, 13, 18, 24 or 28 and are, therefore, patentable for at least that reason, as well as for additional patentable features when these claims are considered as a whole.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

Date July 26, 2010

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

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On July 26, 2010

Signature

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First Named Inventor

Peter J. Ford

Art Unit

2629

Examiner

XAVIER, ANTONIO J.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/Sanjeev K. Dhand/

Signature

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

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